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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,144

02/23/2006

Hiroaki Yamamoto

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5145

33805

7590

11/13/2008

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EXAMINER

HAUTH, GALEN H

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

11/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/540,144	YAMAMOTO, HIROAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	GALEN HAUTH	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/14/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 12-15 in the reply filed on 07/14/2008 is acknowledged. Acknowledgement is made to applicant's cancellation of claims 1-11.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (PN 5783287) in view of Reafler et al. (PN 5215811).

- a. With regards to claim 12, Yamamoto teaches a method for making a plastic part comprising a film laminate in which the laminate with a stencil cut into it is placed into a mold, the mold is closed, resin is injected into the mold, the resin flows into the stencil so that it can be seen from the surface of the laminate

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(abstract) solidifying the resin and opening the mold to remove the part (col 4 In 44-46). Yamamoto teaches that the resin is flush with the outer surface of the laminate (col 2 In 46-50, this requires the resin to pass below the inner surface of the laminate). Yamamoto teaches that the laminate comprises three layers of a base layer, a paint layer, and a clear coat layer (col 1 In 45-52), but does not teach that the clear coat layer is a colored transparent.

b. Reafler teaches a method for making a protective and decorative polymeric sheet that has three layers of a base layer, a paint layer, and a transparent top layer (abstract), similar to the sheet of Yamamoto, for use in automobile parts (col 1 In 14-15). Reafler teaches that the clear coat top layer contains pigment while maintaining transparency (col 7 In 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sheet material of Reafler for the laminate of Yamamoto, because Reafler teaches that the sheet material provides a protective and decorative layer for use in automobiles which is the application of Yamamoto with similar structure to the laminate.

c. With regards to claim 13, Yamamoto as applied to claim 12 above teaches a method for forming a multicolored automobile panel in which the resin may include a dye or pigment (col 5 In 3-4). Yamamoto does not teach that the two colors of material are substantially the same; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose a color that provides for aesthetic value to the automobile trim panel

which includes a color that is substantially the same as the laminate. Yamamoto does not teach that the paint layer of the laminate comprises light reflective flakes.

d. Reafler teaches a method for making a molded article for use in automobile body panels (abstract). Reafler teaches that it is known to include reflective metallic flakes to achieve a desired metallic finish in paint (col 7 ln 59-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include reflective metallic flakes in the paint layer of Yamamoto as taught by Reafler to achieve a metallic finish on the automobile trim component.

e. With regards to claim 14, Yamamoto teaches including dye in the injected resin (col 5 ln 3-4).

f. With regards to claim 15, Yamamoto does not teach painting the plastic material after the material exists the mold; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to paint the component after the component exits the mold as post mold painting of automobile trim composites is a well known decoration method.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The term "substantially the same" in claim 13 is a relative term which renders the claim indefinite. The term "substantially the same" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GALEN HAUTH whose telephone number is (571)270-5516. The examiner can normally be reached on Monday to Thursday 8:30am-5:00pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571)272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GHH/

/Christina Johnson/  
Supervisory Patent Examiner, Art Unit 1791